

OPENING STATEMENT

IN RESPECT OF ATROCITIES AGAINST CIVILIANS AND OTHERS  
AND USE OF OPIUM AND OTHER NARCOTICS IN CHINA

TO BE DELIVERED BY:

JUDGE CECIL HOLLAND

Certain of the atrocities against civilians and others, charged in Counts 44 to 50 inclusive, and 53 to 55 inclusive, of the Indictment, which occurred in the course of the war against China, and which will illustrate the character of that war, and the purpose of the Japanese, will next be presented.

What we now show is but one part of the over-all picture of atrocities against civilians and crimes against humanity which will appear more fully in the phase of the Prosecution's case hereafter to be presented following an opening statement on that subject by Major Pedro Lopez, Associate Prosecutor for the Philippines. What is now to be shown deals only with the war in China.

The evidence to be presented will show that the offenses against civilians included: (1) Murder and Massacre; (2) Torture; (3) Rape; and (4) Robbery, looting and wanton destruction of property.

The commission of these crimes against humanity, by Japanese Troops, took place in every province in occupied China and covered the entire period from 1937 to 1945. An outstanding example of these acts occurred following the Fall of Nanking, December 13, 1937. After all resistance on the part of the Chinese military forces had ceased,

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and the city was entirely in control of the Japanese Army under command of the defendant General IATSUI, an orgy of violence and crime began and continued unabated for more than forty days. The Japanese soldiers, with full knowledge and assent of their commanding officers and of the high Command in Tokyo, sought by means of these atrocities to crush forever all will to resist on the part of the Chinese people. The details of these crimes (which have come historically to be known collectively as "The Rape of Nanking"), will be shown by the evidence. It is sufficient at this point to state that the crimes included numerous instances of each of the categories which I have described, namely, Murder and Massacre, Torture, Rape and Robbery, looting and wanton destruction of property.

It will be shown that the conduct of the Japanese soldiers at Nanking was no isolated instance. It was typical. Of the numerous incidents of this character, the judicial agencies of China have officially reported more than 95,000 separate cases perpetrated during the period from 1937 to 1945 and in every province in occupied China. Knowledge of these continuing atrocities by Japanese soldiers in China was brought home to the Japanese High Command and to the Japanese Government in Tokyo. Notwithstanding frequent notification and protest, the atrocities continued. This was the Japanese pattern for warfare. These atrocities will be presented to the Tribunal by Mr. David Sutton of the Virginia Bar, Col. Morrow, Mr. Parkinson, and Mr. Henry Chiu of China.



It will be further shown that as a part of their plan to subjugate China, the Japanese leaders used opium and narcotics as weapons to prepare for and to further aggression in China. This was in violation of obligations of the three Conventions relating to the suppression of opium and narcotic drugs which are now in evidence as Exhibits Nos. 17, 18 and 19, of which Japan was a signatory.

Our evidence will prove that in advance of Japanese armed aggression in any area, Japanese agents, military and civilian, engaged in widespread illegal traffic in opium and narcotics, not only in Japanese concessions but in all parts of China. Such agents introduced the production of heroin, morphine and other opium derivatives into areas where such use had not been prevalent before. They operated almost with immunity because of the then existence of Japanese extraterritoriality rights in China. The intent and the effect of this illegal activity was to neutralize or completely defeat Chinese attempts to control the drug menace. The physical effect of drug addiction is so well known as to make it clear that the Japanese intended to render millions of Chinese listless and incompetent to resist aggression.

The official character of this illegal activity is indicated by the repeated failure of Japanese consular authorities to take positive action to prevent Japanese nationals from engaging in narcotic traffic, or to punish adequately Japanese nationals apprehended for narcotic violations by Chinese or other police. This failure is

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in sharp contrast with the drastic action taken by Japanese authorities in cases where Japanese nationals sold narcotics to Japanese.

It will be shown that as the Japanese achieved domination of each area in China, that area served as a basis of operations for a narcotics offensive against the next area marked for that form of armed aggression which the Japanese call "pacification". In this connection it will be shown that beginning with the creation of the puppet government of Manchukuo and then successively through North China, Central China and South China, Japanese controlled puppet governments followed a uniform pattern of abrogating Chinese law in respect of opium and other narcotics and in creating opium monopolies designed to appear as opium suppressing agencies, but which in fact became the sole traffickers in opium and in narcotics in their several territories. There ensued a large increase of opium dens in areas under Japanese control, an increase of areas assigned for the cultivation of the poppy, large importations of opium and narcotics, and a failure to adopt suppressive measures in line with the purported purpose of the opium monopolies.

Under the guise of control of opium for the purpose of suppression, Japanese controlled puppet governments received huge revenues from the opium and narcotic traffic.

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In short, the evidence will show that the opium and narcotic traffic was sponsored by Japan for two purposes:

- (1) To weaken the stamina and undermine the will to resist on the part of the Chinese people;
- (2) To provide substantial revenues to finance Japanese military and economic aggression.

The evidence with respect to narcotics will be presented by Mr. Sutton, and Major John F. Hummel and Capt. Arthur A. Sandusky of the United States Army.